

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10030 of 2019

Arising Out of PS. Case No.-326 Year-2018 Thana- BARHARIA District- Siwan

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Anup Kumar, Son of Chandra Shekhar Pandit, Resident of Village - Tine
Bhediya Kala, P.S. - Barharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Learned counsel for the petitioner is permitted to
correct the name of the father of the petitioner.

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 272, 273 and 308 of
the IPC and Sections 30(a) and 41(1) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case as per the FIR is to the effect that on
14.10.2018, while the informant, being A.S.I., Barahiya Police
Station, was on patrolling duty, he received a secret information
that the petitioner is selling the illicit liquor, whereupon raid was



laid and from adjacent to the house of the petitioner, 5 litres of illicit Indian made foreign liquor were recovered. It is alleged against the petitioner that on seeing the police personnel, he escaped from the scene.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and the petitioner was not apprehended from the place of seizure. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from adjacent to the house of the petitioner.

Considering the fact that prosecution does not suggest the recovery from the conscious physical possession of the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-II, Siwan in connection with Barahariya P.S.Case



No. 326 of 2018, subject to the condition as laid down under
Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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